

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYNN RICHMOND,

Plaintiff,

v.

MONTEFIORE MEDICAL CENTER,

Defendant.

**ORDER**

21 Civ. 8700 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On November 29, 2022, Defendant submitted a sealed letter requesting a pre-motion conference concerning a proposed motion for summary judgment. (Dkt. No. 65) Defendant simultaneously filed on the public docket a version of the letter with two sentences redacted. (Dkt. No. 64 at 5) That same day, Defendant filed a letter in support of its motion to maintain as sealed the two redacted sentences. (Dkt. No. 62) In a December 2, 2022 letter, Plaintiff seeks the same relief. (Dkt. Nos. 67-68)

The two redacted sentences address certain notes. Given that the first sentence does not disclose the content of those notes, the basis for redaction is not clear. As to the second sentence, Plaintiff seeks damages for emotional distress (Cmplt. (Dkt. No. 1) at 18 ¶ D), and has thus put her mental state at issue. Moreover, the notes go to the merits of Defendant's forthcoming summary judgment motion. Given these circumstances, the parties will address why Plaintiff's privacy interest outweighs the public's presumptive right of access to "judicial documents." Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120 (2d Cir. 2006) (quoting Hartford Courant Co. v. Pellegrino, 380 F.3d 83, 91 (2d Cir. 2004)).

The parties will file supplemental letters regarding their sealing request by **December 12, 2022.**

In a November 29, 2022 sealed letter, Plaintiff requests a pre-motion conference concerning a proposed motion for partial summary judgment. (Dkt. No. 63) Plaintiff simultaneously filed on the public docket a version of the letter with three passages redacted. (Dkt. 60 at 2-3) That same day, Plaintiff filed a letter stating that “[t]he redacted portions of Plaintiff’s Motion refer to or quote from three documents designated as ‘Confidential’ by Defendant in this matter. Although Plaintiff has redacted these portions of her Motion in order to comply with the Protective Order entered into this matter, Plaintiff takes no position as to whether this information should be part of the public record and not under seal.” (Dkt. No. 61) Defendant has not moved to maintain as sealed the redacted passages. Given that neither side has requested that the redacted portions of Plaintiff’s November 29, 2022 letter remain sealed, it is hereby ORDERED that the unredacted version of the letter, filed at Dkt. No. 63, be unsealed. The Clerk of Court is directed to modify the viewing level for Dkt. No. 63 to Public.

The Clerk of Court is directed to terminate Dkt. No. 61 as moot.

Dated: New York, New York  
December 5, 2022

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first name "Paul" is written with a large, prominent "P". The last name "Gardephe" is written in a more compact, cursive script. The signature is positioned above a horizontal line.

Paul G. Gardephe  
United States District Judge